

**REMARKS/ARGUMENTS**

Applicant thanks the Examiner for the indication of allowable subject matter in dependent claim 41.

The Examiner rejects claims 1-14 and new claims 41-42 provisionally under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4, 18-23, 25-27, 29-38, 40-42, 44-46, 48, and 50-53 of copending Application No. 09/621,830. Applicant has filed concurrently herewith a new Terminal Disclaimer complying with 37 CFR 1.321(b) and (c).

The Examiner rejects claims 1, 6-7, and 9-14 under 35 U.S.C. §102(b) as being anticipated by U.S. 5,115,104 to Bunyan; claim 42 under 35 U.S.C. §102(b) as being anticipated by U.S. 5,15,104; claims 1-4 and 6-14 under 35 U.S.C. §102(b) as being anticipated by U.S. 4,687,527 to Higashiguchi; and claim 5 under 35 U.S.C. §103 as being unpatentable over Higashiguchi.

Applicant has amended claim 1 to include the limitations of allowable dependent claim 41.

Applicant has included the word “permanent” before “substrate” to make clear that the substrate does not include the paper backing commonly present in pre-formed and self-supporting thermosetting films. This paper backing is not permanent as is the fabric substrate of Higashiguchi. In Higashiguchi, the adhesive is screen printed directly onto the fabric substrate *before* the adhesive is contacted with the flock. The paper backing of the adhesive film used in certain embodiments of the present invention is removed, in the same manner as the release sheet in a heat transfer. While the backing is normally removed *before* the adhesive film is adhered to a permanent substrate, the release sheet in a heat transfer is normally removed *after* the adhesive film is adhered to the permanent substrate.

Accordingly, independent claim 1 is allowable.

The dependent claims provide further reasons for allowance. By way of example, dependent claims 12 and 14 require the thermosetting film to be in the thermoplastic state after contact with the flock. Higashiguchi teaches away from this feature. In Higashiguchi, the adhesive is screen printed directly onto the fabric substrate *before* the adhesive is contacted with the flock and the adhesive is set *completely* to a thermoset stage when initially contacted with the flock rather than to a thermoplastic stage.

Applicant has further added new claims 43-53.

Independent claim 43 is a combination of certain features of independent claim 1 and allowable dependent claim 41. The unnecessary limitations of independent claim 1 have been removed from new independent claim 43.

Specifically, the Examiner stated the limitations “pre-formed” and “self- supporting” have been given no patentable weight.

New independent claim 43 further excludes the limitation that the thermosetting film has a substantially uniform thickness and substantially flat upper and lower surfaces. According to the Examiner, “[t]here is nothing on record establishing that the method of the prior art does not produce such features” and that the “arguments of counsel cannot take the place of evidence in the record.” Thus, this limitation too has been given no patentable weight.

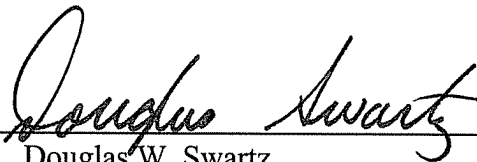
Finally, the new independent claim omits the language requiring that substantially all free ends of the flock contact the thermosetting film. The Examiner found this limitation to be unpersuasive because this language merely requires that the flock that is present is in contact with the thermosetting film. The limitation that the flock be in contact with the thermosetting film remains in the independent claim.

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*Reply to Office Action of June 16, 2006*

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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